

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

97 8724

SECURITIES AND EXCHANGE COMMISSION,)
)
 Plaintiff,)
)
 v.)
)
 GUIDO VOLANTE, and)
 MIRIAM MERCADO,)
)
 Defendants.)

Case No. **CIV-GRAHAM**
MAGISTRATE JUDGE
JOHNSON

COMPLAINT FOR
INJUNCTIVE AND
OTHER RELIEF

FILED BY: *AB*
97 SEP 18 AM 11:11
D.C.
CLERK U.S. DISTRICT COURT
S.D. OF FLORIDA - MIAMI

Plaintiff, Securities and Exchange Commission ("Commission"),
alleges that:

INTRODUCTION

1. The Commission brings this action against Guido Volante ("Volante"), former president, CEO and director of Century Technologies, Inc. ("Century") and Miriam Mercado ("Mercado") former secretary, treasurer and director of Century (collectively "Defendants"). Volante and Mercado caused Century to make material misrepresentations in numerous filings with the Commission and in various public communications between 1992 and 1995. In addition, Defendants Volante and Mercado caused Century to commit other reporting, accounting and recording-keeping violations. The Commission seeks injunctive relief, officer and director bars and civil money penalties.

THE DEFENDANTS

2. Volante, age 64, is a resident of Delray Beach, Florida. Volante was the former president, Chairman of the Board of

Directors, and a director of Century from approximately December 1992 through November 1995. Volante is a recidivist securities law violator, having been named in three prior Commission actions. Volante was permanently enjoined by consent from further violations of the federal securities laws in two actions in 1968 and the Commission barred Volante from association with any broker or dealer in 1970 with a right to reapply after one year. In addition, the National Association of Securities Dealers ("NASD") revoked Volante's registration in a 1970 action.

3. **Mercado**, age 45, is a resident of Hollywood, Florida. Mercado was the former secretary, treasurer and a director of Century from approximately December 1992 through November 1995.

JURISDICTION

4. This Court has jurisdiction over this action pursuant to Sections 21(d), 21(e), and 27 of the Exchange Act, 15 U.S.C. §§ 78u(d), 78u(e), 78aa. The Commission brings this action pursuant to these authorities to restrain and enjoin the Defendants from engaging in the acts and practices complained of herein, and for other equitable relief.

5. At all relevant times, Century's common stock was registered with the Commission pursuant to Section 12(g) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78l(g), and, since 1993, has traded "over-the-counter" on the National Association of Securities Dealers, Inc. Automated Quotation System ("NASDAQ") Bulletin Board System.

6. Volante and Mercado, directly or indirectly, singly and in concert, have made use of the means and instrumentalities of interstate commerce, the means and instruments of transportation and communication in interstate commerce, and the mails, in connection with the acts and practices complained of herein.

FRAUDULENT CONDUCT

7. Volante and Mercado were responsible for Century's reporting obligations to the Commission and acted as agents and/or officers of Century in preparing, reviewing and/or filing Century's Forms 10-K and 10-Q. Volante signed all the Forms 10-K and Mercado signed all the Forms 10-K and 10-Q. Volante and Mercado were responsible for maintaining Century's books, records and accounts. Volante and Mercado were also responsible for Century's public statements.

Fraudulent Overstatement of Assets

8. Century filed with the Commission annual reports on Form 10-K for the fiscal years ended December 31, 1992 and 1993, Forms 10-Q for the quarterly periods ended March 31, 1993, June 30, 1993, March 31, 1994, June 30, 1994, September 30, 1994, March 31, 1995, June 30, 1995, and September 30, 1995. These filings falsely overstated the value of certain films and film license rights (collectively, "films") purportedly owned by the Company. The amount by which Century overstated its assets ranged from \$2,000,000 to \$5,866,200 which overstatement, depending on the particular report, represented approximately 42% to 90% of the

Company's total assets. This overstatement of Century's assets would have been material to investors.

9. Century purportedly acquired the title or the license rights to over 900 films through certain agreements for a total consideration of \$5,386,200, which was composed primarily of two notes payable, preferred stock, and broadcast time rights.

10. Century, through Volante and Mercado, failed to conduct due diligence or research to ensure that it obtained valid title or license rights to the films. Century entered into contracts to license or purchase the films and carried them as an asset without ever taking possession of them or confirming their existence. Century merely received a list of film titles from the transferor of the films.

11. The films were purportedly maintained in a Florida warehouse. However, no rental or custody agreement ever existed between Century and the transferor of the films to Century and no rental or storage payments were ever paid by Century for storage of any of the films that it purportedly licensed or owned. In addition, Century never generated any revenues or other tangible benefit from its purported license rights or ownership of the films, and it made only nominal payments on the notes given in consideration for the films.

12. Mercado caused Century to record the films as an asset on Century's financial statements. She caused Century to value the films at amounts ranging from approximately \$2 million to \$5.3

million on the Company's balance sheet. She did so, with Volante's knowledge and approval.

13. Mercado and Volante resigned their positions with Century in November 1995. Century's new CEO and president conducted an investigation of the ownership history of the majority of the films that Century purportedly licensed or purchased during the relevant time period. Century's new CEO and president concluded that the transferor of the films to Century did not possess the licensing rights and/or the title to the films and did not have the authority to license or sell them to Century.

14. On April 29, 1996, Century filed a Form 8-K with the Commission reporting that it would rescind or cancel all agreements relating to the transfer of the films because Century had not received any documentation or substantiation concerning chain of title for any of the films. Moreover, the financial statements included in Century's Form 10-KSB for fiscal year 1995 reflected the write-off of the entire value of the films. In addition, in August 1996, Century filed a lawsuit against the transferor of the films to Century and his companies.

Failure to Make Certain Periodic Filings

15. Century failed to file the Form 10-K for the fiscal year ended December 31, 1994 and the Form 10-Q for the quarterly period ended September 30, 1993.

Fraudulent Representations Concerning a Loan Commitment

16. Century represented in two Forms 10-Q filed with the Commission subsequent to August 9, 1994 (for the periods ended June

30, 1994 and September 30, 1994), that the Company had a commitment for a loan for \$8.6 million from Usher Trust, a British Bank. However, Usher Trust had formally rescinded this loan commitment as of August 9, 1994. Even prior to August 9, 1994, the commitment was only "tentative" because it was subject to a security valuation and due diligence. This misrepresentation concerning major lending from a bank would have been material to an investor.

17. Century also issued a misleading press release concerning the termination of a tentative loan commitment from Usher Trust. On August 10, 1994, a representative for Usher Trust sent a letter to Volante requiring that Century issue a press release within twenty-four hours announcing the termination of the funding arrangement due to the results of the due diligence process. In response, Century issued a newswire report on September 2, 1994, which falsely stated that Century had declined an \$8.6 million loan commitment from a "private English trust," with the proceeds slated to buy a casino, because the Company was instead considering an \$18 million secondary offering. Century's misrepresentations about the reason for not obtaining the loan commitment would have been material to an investor.

Failure to Disclose Volante's Bankruptcies and Disciplinary History

18. Century failed to disclose in its financial filings the fact that Volante had filed personal bankruptcy petitions on three separate occasions between 1992 and 1995. This information was required by Item 401 of Regulation S-K, but was not disclosed despite the fact that two of Volante's bankruptcy petitions were

filed during his tenure as Century's CEO and president. The failure to disclose Volante's bankruptcy petitions was a material omission because, among other things, investors would have attached importance to his inability to manage his personal finances.

19. Century's 1994 Corporate Profile contained misleading statements about Guido Volante. It asserted that one of the Company's strongest assets was the depth and experience of its executive team. It specifically stated that "Mr. Guido Volante, Chairman of the Board and President, has been very active as a Founder and Principal for several Broker-Dealer firms, and possesses extensive experience in structuring, underwriting and funding emerging companies seeking equity financing." This promotional document, however, failed to disclose Volante's disciplinary history in the securities industry, or his bankruptcy filings, facts which would be material in this context to potential investors.

False Press Releases and Other Public Communications

20. Century issued false press releases on September 2, 1994 and September 4, 1994 and disseminated promotional materials including a 1994 "Corporate Profile" which contained false and misleading information. On information and belief, Volante drafted these statements and Mercado reviewed, edited and disseminated them.

21. Century issued a press release and disseminated promotional materials which fraudulently described an agreement to acquire TransAir International ("TransAir"), a small air charter

company. In a September 4, 1994 newswire report, Century announced that it had "[p]urchased 70% of a small public charter airline in a stock transaction now worth \$800,000." In addition, Century's 1994 Corporate Profile stated that "CNTK [Century] boasts as its new subsidiary, TransAir International, Inc., a public air charter company that provides international and domestic air services to casino destinations for tour and junket operators." The Corporate Profile further stated that "TransAir, based in New York, has contracts in force with tour operators which exceed \$15 million gross revenues to be completed in 1995 . . . "

22. Century's public statements pertaining to its purported acquisition of TransAir were fraudulent in two respects. First, the acquisition was never consummated. While the two companies did enter into an agreement in August 1994, and the transaction was scheduled to close on September 2, 1994, the closing never occurred because TransAir was unable to provide the required financial statements. The agreement was ultimately rescinded in December 1994. Second, TransAir was in financial difficulty during its negotiations with Century and did not have contracts in force which were worth \$15 million. Volante and Mercado knew that Century's acquisition of TransAir was never consummated. In addition, Volante and Mercado received documentation from TransAir indicating that TransAir had contracts worth only approximately \$3 million. These misrepresentations about Century's acquisition of TransAir would have been material to an investor.

COUNT I

(VOLANTE AND MERCADO)

FRAUD IN VIOLATION OF SECTION 10(b) OF
THE EXCHANGE ACT AND RULE 10b-5, THEREUNDER

23. The allegations contained in paragraphs 1 through 22 are realleged and incorporated by reference.

24. From in or about December 1992 and continuing through November 1995, Defendants Volante and Mercado directly and indirectly, by the use of the means or instruments of interstate commerce or of the mails, in connection with the purchase or sale of securities, as described herein, knowingly and willfully, or at a minimum, severe recklessly: (i) employed manipulative or deceptive devices, contrivances, schemes or artifices to defraud; (ii) made untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and/or (iii) engaged in acts, practices or courses of business which have operated as a fraud or deceit upon the purchasers and prospective purchasers of such securities, including, but not limited to, making the misrepresentations and omissions of material fact described in paragraphs 7 through 22, above.

25. By reason of the foregoing, Defendants Volante and Mercado directly or indirectly, have violated and, unless enjoined, will continue to violate Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5, 17 C.F.R. § 240.10b-5, thereunder.

COUNT II

(VOLANTE)

**CONTROL PERSON LIABILITY FOR CAUSING CENTURY TO
FILE FALSE AND MISLEADING, AND FAILING TO FILE CERTAIN,
FORMS 10-K AND 10-Q IN VIOLATION OF SECTION 13(a) OF THE
EXCHANGE ACT AND RULES 12b-20, 13a-1 AND 13a-13 THEREUNDER**

26. The allegations contained in paragraphs 1 through 25 are realleged and incorporated by reference.

27. As described in paragraphs 7 through 18, above, Century filed false and misleading Forms 10-K and 10-Q. Directly or indirectly, Volante controlled Century and caused it to file false and misleading Forms 10-K and 10-Q. Volante did not act in good faith and, directly or indirectly, induced Century to file false and misleading Forms 10-K and 10-Q.

28. As described in paragraphs 7 through 18, above, Century failed to include such further material information in its Forms 10-K and 10-Q necessary to make the required statements, in light of the circumstances under which they were made, not misleading. Directly or indirectly, Volante controlled Century and caused it to fail to include such further material information in its Forms 10-K and 10-Q. Volante did not act in good faith and, directly or indirectly, induced Century to file Forms 10-K and 10-Q that omitted such further material information.

29. As described in paragraph 15, above, Century failed to file Forms 10-K and 10-Q for the periods ended December 31, 1994 and September 30, 1993, respectively. Directly or indirectly, Volante controlled Century and caused it to fail to file such Forms 10-K and 10-Q. Volante did not act in good faith and, directly or

indirectly, induced Century to fail to file such Forms 10-K and 10-Q.

30. By reason of the foregoing, pursuant to Section 20(a) of the Exchange Act, 15 U.S.C. § 78t(a), as a control person of Century, Defendant Volante has violated and, unless enjoined, will continue to violate Section 13(a) of the Exchange Act, 15 U.S.C. § 78m(a), and Rules 12b-20, 13a-1 and 13a-13 thereunder, 17 C.F.R. §§ 240.12b-20, 240.13a-1 and 240.13a-13 thereunder.

COUNT III

(VOLANTE)

CONTROL PERSON LIABILITY FOR CAUSING CENTURY TO FAIL TO MAKE AND KEEP REQUIRED BOOKS, RECORDS, AND ACCOUNTS IN VIOLATION OF SECTION 13(b)(2)(A) OF THE EXCHANGE ACT

31. The allegations contained in paragraphs 1 through 30 are realleged and incorporated by reference.

32. As described in paragraphs 7 through 18 above, Century failed to make and keep books, records, and accounts which, in reasonable detail, accurately and fairly reflected Century's transactions and its dispositions of assets as required by Section 13(b)(2)(A) of the Exchange Act, 15 U.S.C. § 78m(b)(2)(A). Directly or indirectly, Volante controlled Century and caused it to fail to make and keep such books, records and accounts. Volante did not act in good faith and, directly or indirectly, induced Century to fail to make and keep such books, records and accounts.

33. By reason of the foregoing, pursuant to Section 20(a) of the Exchange Act, 15 U.S.C. § 78t(a), as a control person of Century, Defendant Volante has violated and, unless enjoined, will

continue to violate Section 13(b)(2)(A) of the Exchange Act, 15 U.S.C. § 78m(b)(2)(A).

COUNT IV

(VOLANTE AND MERCADO)

CIRCUMVENTING OR FAILING TO IMPLEMENT A SYSTEM OF INTERNAL ACCOUNTING CONTROLS AND FALSIFYING REQUIRED BOOKS, RECORDS, AND ACCOUNTS AND MAKING FALSE STATEMENTS TO AN AUDITOR IN VIOLATION OF SECTION 13(b)(5) OF THE EXCHANGE ACT AND RULES 13b2-1 and 13b2-2 THEREUNDER

34. The allegations contained in paragraphs 1 through 33 are realleged and incorporated by reference.

35. As described in paragraphs 7 through 18, above, Volante and Mercado knowingly circumvented or knowingly failed to implement a system of internal accounting controls or knowingly falsified books, records or accounts described in Section 13(b)(2) of the Exchange Act, 15 U.S.C. § 78m(b)(2).

36. As described in paragraphs 7 through 18, above, Volante and Mercado, directly or indirectly, falsified or caused to be falsified, books, records or accounts subject to Section 13(b)(2)(A) of the Exchange Act, 15 U.S.C. § 78m(b)(2)(A).

37. As described in paragraphs 7 through 18, above, Volante and Mercado, directly or indirectly, made or caused to be made materially false or misleading statements, or omitted to state, or caused another person to omit to state, material facts necessary in order to make statements made, in light of the circumstances under which they were made, not misleading to an accountant in connection with (1) audits or examinations of Century's financial statements required pursuant to Section 13(b)(2) of the Exchange Act, 15

U.S.C. § 78m(b)(2), or (2) the preparation or filing of documents or reports required to be filed with the Commission.

38. By reason of the foregoing, Volante and Mercado have violated and, unless enjoined will continue to violate Section 13(b)(5) of the Exchange Act, 15 U.S.C. § 78m(b)(5), and Rules 13b2-1 and 13b2-2 thereunder, 17 C.F.R. § 240.13b2-1 and 240.13b2-2.

RELIEF REQUESTED

WHEREFORE, the Plaintiff Commission respectfully prays that the Court:

I

Declare, determine and find that each of the Defendants named herein committed the violations alleged herein.

II

Issue a Permanent Injunction, restraining and enjoining Defendants Volante and Mercado, their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with him, and each of them, directly or indirectly, from violating Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5, 17 C.F.R. § 240.10b-5, thereunder, and Section 13(b)(5) of the Exchange Act, 15 U.S.C. § 78m(b)(5) and Rules 13b2-1 and 13b2-2, 17 C.F.R. §§ 240.13b2-1, 240.13b2-2 thereunder.

III

Issue a Permanent Injunction, restraining and enjoining Defendant Volante, his officers, agents, servants, employees, attorneys, and all persons in active concert or participation with him, and each of them, directly or indirectly, from violating Section 13(a) of the Exchange Act, 15 U.S.C. § 78m(a), and Rules 12b-20, 13a-1, and 13a-13, 17 C.F.R. §§ 240.12b-20, 240.13a-1, 240.13a-13, thereunder, and section 13(b)(2) of the Exchange Act, 15 U.S.C. § 78m(b)(2).

IV

Issue an Order directing Defendants Volante and Mercado to pay civil penalties pursuant to Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3), for their violations of the federal securities laws as complained of herein, which occurred on or after October 15, 1990.

V

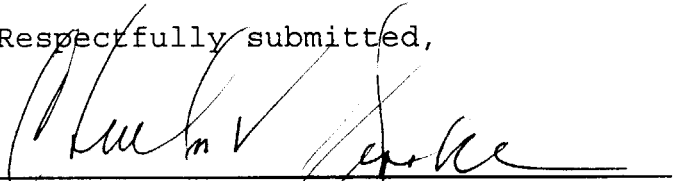
Pursuant to Section 21(d)(2) of the Exchange Act, 15 U.S.C. § 78u(d)(2), issue an Order permanently barring Volante and Mercado from acting as officers or directors of any issuer that has a class of securities registered with the Commission pursuant to Section 12 of the Exchange Act, 15 U.S.C. § 78l, or that is required to file reports pursuant to Section 15(d) of the Exchange Act, 15 U.S.C. § 78o(d).

VI

Grant such other and further relief as may be necessary and appropriate.

Respectfully submitted,

By:


Charles V. Senatore
Regional Director
Florida Bar No. 308935

Mitchell E. Herr
Regional Trial Counsel
Florida Bar No. A-5500259

Cheryl Evans Dunfee
Senior Counsel
Pennsylvania Bar No. 56701

Dated: September 16, 1997

Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
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CIVIL COVER SHEET 97 8724

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE COVER SHEET)

CIVIL GRAHAM

I (a) PLAINTIFFS

SECURITIES AND EXCHANGE COMMISSION

DEFENDANTS

**GUIDO VOLANTE, and
MIRIAM MERCADO**

MAGISTRATE JUDGE
JOHNSON

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

AWPB-19:97cv8724GRAHAM/Johnson

DEFENDANT Palm Beach County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

**Mitchell E. Herr, Esq. (305) 982-6336
Cheryl Dunfee, Esq. (305) 982-6342, SEC,**

ATTORNEYS (IF KNOWN)

**James Kaplan, Esq.
100 S.E. 2nd Street
3800 Int'l Place
Eugene Kennedy, Esq.
100 S.W. 1st Ave.
Pt. Laud., FL 33301**

(d) CIRCLE COUNTY WHERE ACTION AROSE:

DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

II. BASIS OF JURISDICTION

(PLACE AN X ONE BOX ONLY)

- 1. U.S. Government Plaintiff
- 2. U.S. Government Defendant
- 3. Federal Question (U.S. Government Not a Party)
- 4. Diversity (Indicate Citizenship of Parties in Item III)

(For Diversity Case Only)

- Citizen of This State 1
- Citizen of Another State 2
- Citizen or Subject of a Foreign Country 3

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Incorporated of Principal Place of Business in This State 4
- Incorporated and Principal Place of Business in Another State 5
- Foreign Nation 6

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.) **17 C.F.R. § 240.10b-5, 15 U.S.C. § 78j(b), 15 U.S.C. § 78m(a), 17 C.F.R. §§ 240.12b-20, 240.13a-1 and 240.13a-13, 15 U.S.C. § 78m(b), 17 C.F.R. §§ 240.13b2-1 and 240.13b2-2. Violations of the antifraud and books & records provisions of the**

IVa. 5 days estimated (for both sides) to try entire case federal securities laws.

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

A CONTACT	A TORTS	B FORFEITURE PENALTY	A BANKRUPTCY	A OTHER STATUS
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) B <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits B <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<p style="text-align: center;">PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p style="text-align: center;">A PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p style="text-align: center;">B SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 States Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. B <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12USC3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions * A or B
<p style="text-align: center;">A REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure B <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p style="text-align: center;">A CIVIL RIGHTS</p> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<p style="text-align: center;">B PRISONER PETITIONS</p> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General * <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other * <input type="checkbox"/> 550 Civil Rights * A or B	<p style="text-align: center;">A LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations B <input type="checkbox"/> 730 Labor Management Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act B	<p style="text-align: center;">A FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 28 USC 7609

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- 1. Original Proceeding
- 2. Removed From State Court
- 3. Remanded from Appellate Court
- 4. Refiled
- 5. Transferred from another district (Specify)
- 6. Multidistrict Litigation
- 7. Appeal to District Judge from Magistrate Judgment

VII. REQUESTED

CHECK IF THIS IS A

CLASS ACTION

DEMAND \$

Check YES only if demanded in complaint:

YES

IN COMPLAINT

UNDER F.R.C.P. 23

Perm. Inj., Civil

JURY DEMAND:

NO

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

finances and/or penalties

DOCKET NUMBER

DATE

9/16/97

SIGNATURE OF ATTORNEY OF RECORD

Mitchell E. Herr

UNITED STATES DISTRICT COURT

FOR OFFICE USE ONLY: Receipt No. _____

Amount: _____

Date Paid: _____

M/ftp: _____